



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

May 11, 2005

SUBJECT: **2004-0963** - Application for a Variance from Sunnyvale Municipal Code (SMC) section 19.34.030 to allow a 17-foot front yard second-story setback where 25 feet is required and SMC section 19.56.020 to allow shading of a nearby structure that exceeds 10 percent. Approval of the variance would allow a first and second-story addition to a one-story home resulting in a total of 1,737 square feet. The property is located at **321 Flora Vista Avenue** in an R-2 (Low-Medium Density Residential) Zoning District. (APN: 209-24-062) KD

REPORT IN BRIEF

Existing Site Conditions Existing one-story residence with detached rear garage

Surrounding Land Uses

North	Single Family Residential
South	Single Family Residential
East	Single Family Residential
West	Multiple Family Residential

Issues Design Review of second story addition in the context of a heritage resource home and the neighborhood

Environmental Status A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Low Medium Density	Same	---
Zoning District	R-2	Same	---
Lot Size (s.f.)	5,250	Same	6,000 min.
Gross Floor Area (s.f.)	938	1,737 (799 add.)	No limit
Lot Coverage (%)	17.8	24.3	45 % max.
Floor Area Ratio (FAR)	17.8	33.1	45 % w/o PC approval
No. of Buildings On-Site	2	1	---
Building Height (ft.)	15	25'9"	30 max.
No. of Stories	1	2	2 max.
Setbacks (facing prop.)			
★ • Front (ft.)	7' (11' front façade)	same	20' min.
★ • Front 2nd Story	NA	17' 6"	25' min.
• Left Side 1st Story (ft.)	12	same	8' min.
• Right Side 1st Story (ft.)	4' (Total 30')	4' (Total 12')	4' min. (Total 12')
• Left Side 2nd Story (ft.)	NA	21'	11' min.
• Right Side 2nd Story (ft.)	NA	7' (Total 27.5')	7' min. (Total 18')
• Rear	25'	33'	10' min.
• Rear Encroachment (%)	0	0	25% max.
★ • Shading of abutting Structure	0	100%	10% max.
Parking			
• Total No. of Spaces	2	Same	4 min.
• No. of Covered Spaces	1	Same	2 min.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS**Description of Proposed Project**

The existing home is a small one-story home with a detached one-car garage located in the rear yard. The home is listed as a Sunnyvale Heritage Resource. The proposal includes the demolition of the existing detached one-car garage and construction of a new one car attached garage and a second story addition above the new garage and existing home. The architectural elements of the existing front façade are to be maintained, and the new second story is intended to compliment, but not match identically, the existing heritage resource architecture. The proposed addition results in a need for a variance for the second story front yard setback and for exceeding a 10% restriction on shading of adjoining property roof area.

Background

There are no previous planning permits for the site.

Environmental Review

In regards to the impacts of the proposed addition and the existing home's status as a Heritage Resource, the applicant submitted a Historical Assessment (Attachment "D") of the home that has been evaluated by staff. The report concludes the existing home does not meet the requirements for being designated as a significant resource. Although the structure does not have any significant historical value, it is part of the heritage of Sunnyvale and its character is to be considered during the design review process of the application. The design review will consider the addition in the terms of a typical Sunnyvale design review for neighborhood compatibility and architectural quality rather than consider whether the addition has significant impacts the historical significance of the existing home, as would be the case if the site qualified as a significant historical landmark.

Since the home is not qualified as a significant historic resource or landmark the project is eligible for a standard exemption from the California Environmental Quality Act. Specifically, a Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 3 Categorical Exemption includes construction of new single-family homes and residential additions.

Variance

Site Layout: The existing home is nonconforming in regards to front yard setbacks for the existing home. The current setback is 7 feet where 20 feet is required. The applicant has proposed a second story addition that is a minimum of 17.5 feet where 25 feet is required. The justification for the variance to the front yard setback includes consideration of the preserving the existing heritage resource home, appropriate proportions and design elements

relating to the existing home for a compatible design, and allowing for usable interior space for the addition.

The abutting site to the north at the corner of Flora Vista and McKinley contains structures that do not conform to required rear yard setback of 20 feet. In fact the structures occupy approximately 100% of the required rear yard where a 25% maximum coverage is permitted. The proposed second-story addition on the subject site results in a need for an additional variance to the solar shading restriction of no more than 10% of an abutting structure as the proposed addition shades 100% of the corner parcel's rear yard nonconforming structure. The justifications for the variance relate to exception situation of an adjacent parcel having 100% of a rear yard occupied by a structure, preservation of the existing home preventing the addition from being constructed in an alternative location, the property owner has stated he has no intention of placing solar panels on the roof, the structures are accessory buildings and the main home still has available roof area for panels.

Architecture:

The general neighborhood consists primarily of older small one-story homes with detached garages in the rear. The principle exceptions to the rule for the block are the properties near the corner of McKinley which tend to have more square footage and are at the setback or nearer to the street. The setbacks for the homes on Flora Vista are generally nonconforming to the front yard setback or right at the 20-foot setback requirement. There are no two-story homes located on this block of Flora Vista making the subject addition the first on the block.

The proposed addition will bring the one car garage close to the street relative to most other garages on the block, but it would be setback behind the front façade of the home. Staff does have concern about the presence of the garage near the street along this block of Flora Vista in terms of matching the neighborhood entry pattern, however considering the abutting sites to the north are built up to the street the garage should not appear completely out of place and may in fact act as a transition to the detached garage homes to the south.

In regards to the front setback of the home, the existing one-story home's front façade and its existing covered entry are to be retained in their current configuration. The second-story addition is setback from the existing front façade by about 7 feet, which is consistent with Sunnyvale's standard second-story setback requirement of an additional five feet for a second story despite the fact that it does not meet the minimum standard of 25 feet. The second story is only located on the north half of the home creating significant visual relief despite being only 18 feet from the sidewalk and it also preserves the integrity of the historic resource home's character. The overall height of the

addition is approximately 25' 9" to the peak of the gable. The second story is roughly 35% of the floor area of the first floor. As the only two-story home in the area the proposed height at the reduced setback will be a dramatic change from existing conditions and again could be an issue for compatibility for Flora Vista. Staff believes the consistency of architectural character along the front façade along with varied levels of relief between the covered entry, existing façade, setback garage, and the new second story will successfully integrate of the new addition into the neighborhood.

The applicant has proposed maintaining architectural consistency for the front façade of the old and new sections of the home, but has departed from the simple bungalow design of the existing home for the addition along the side and rear. The design is intended to distinguish the old from the new and meet the desires of the applicant for a more updated and contemporary style to the home while maintaining the existing curb appeal. Staff supports this design approach to integrate, but at the same time distinguish, the two time periods of the home. The rear of the addition also includes an elevated deck with a staircase down to the rear yard. Staff's concern with the addition's design relates to the elevated deck in the rear with its height, apparent mass, and the degree of stucco material exposure which contrasts the surrounding simple home styles. Staff has included a condition addressing further staff review of the rear deck with staff to for material selection and breaking down the apparent mass of the rear portion of the addition.

The following Guidelines were considered in the analysis of the project architecture.

Single Family Design Techniques	Comments
3.4E Second Floors Unless two story high walls are common in the neighborhood, maintain a roof segment between first and second floor for a minimum of 50% of the perimeter...	The neighborhood is a one-story neighborhood with no two-story structures. The project's north façade two-story wall has relief for the first third of the wall due to the change in materials and gabled roof over the garage. The rear portion of the addition has modern clean lines with no breaks in the wall design other than a change of material on the ground floor for the last eight feet. The south façade is setback considerably from the adjacent home and has multiple forms and projections breaking the down wall height.

Single Family Design Techniques	Comments
<p><i>3.4 F Second Floors New homes and second story additions constructed adjacent to smaller homes should maintain a one-story profile adjacent to the on story homes as a transition to any second story building element.</i></p>	<p>The addition has one-story homes on all sides and maintains a large setback to the south meeting the design guideline, but does impact the northern property for the rear portion of the addition. The northern property is a corner lot oriented perpendicular to the subject site impacting the rear yard area not a side yard.</p>
<p><i>3.4 K Second Floors Relate second floor elements to first floor elements to first floor masses. Avoid large projecting forms on the second floor when first floor elements are modest in size and scale.</i></p>	<p>The addition successfully integrates the original home's design elements into the second story of the front façade with eaves, brackets, gabled roof, and siding. The features wrap around the first one-third of the new addition on the north side before transitioning to the proposed modern style for the rear of the home. Staff has included a condition that the stepped back gable of the rear addition have the same appearance and finish of the front façade when viewed from the street.</p>
<p><i>3.4N Second Floors Second floor decks and balconies shall be well integrated into the overall design of the home.</i></p>	<p>The rear deck has a bulky appearance and oversized height due to the choice of materials and configuration. Staff has included a condition to revised the design of the deck to reduce apparent bulk and provide interest.</p>
<p><i>3.6 A Privacy Solar Access ...minimize blockage of sunlight to living spaces and active outdoor areas.</i></p>	<p>The home is not capable of minimizing solar impacts to adjacent lots and has requested a variance due to the nonconforming setbacks of the adjacent properties structures.</p>
<p><i>3.6 D Privacy Solar Access Second floor decks and balconies shall only be used when there is no intrusion on privacy. As a rule they should be setback 10 feet on the sides and 20 on the rear.</i></p>	<p>The project exceeds rear yard setbacks but is located less than ten feet from north side which it the rear yard of other homes. The current proposal has a solid wall for the railing that may be modified for improved architectural detailing.</p>

Parking/Circulation: The existing site has a detached one-car garage that is proposed for demolition as part of the new project. The project is required to replace the loss of the covered parking space and has included a new one-car garage as part of the addition. The project's overall size is less than 1,800 square feet and has only three bedrooms, therefore it is not required to upgrade the amount of covered parking on site to the standard requirement of two covered parking spaces. Additionally, providing or requiring a two-car garage near the street would be out of character for historic home and the neighborhood. One uncovered space is provided in front of the proposed new garage.

The following Guidelines were considered in analysis of the project parking and circulation.

Single Family Design Techniques	Comments
3.2A Parking Accommodate garages in a pattern similar to the neighborhood	One-car detached garages in the rear of the home are the common pattern for the neighborhood; the proposal maintains a one-car garage but has attached it to the home while setting it back from the front façade.
3.2B Parking In neighborhoods with one-car driveways limit curb cuts to one car width.	Applicant's design has maintained the one car width driveway cut.

Compliance with Development Standards/Guidelines:

The existing home has a nonconforming front yard setback that is maintained in the current design proposal. Variances are proposed for the second-story front yard setback requirement of 25 feet and shading of abutting structures greater than 10% of the roof area. The proposed project includes a one-car garage, which does not conform to the standard two car requirement, but does not exceed the minimum thresholds requiring upgrading of the covered parking on the site to two spaces.

Expected Impact on the Surroundings:

The greatest impacts to the surroundings are the shading of the property to the south eliminating current solar access to the site and the impacts of a new second story addition and garage on the streetscape and architectural character of the neighborhood. The shading impact cannot be alleviated without denial of the variance. Incorporation of design elements into the proposed addition that meet the design guidelines for single-family homes have addressed compatibility issues.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

The project had previously been mistakenly noticed for a public hearing in early January despite incomplete application materials. The January hearing was continued indefinitely and the project was renoticed to property owners and neighbors for the May 11, 2005 hearing date.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 24 notices mailed to adjacent property owners and residents	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Conclusion

Discussion: The applicant has proposed two variances in conjunction with the proposed first and second story addition. Both variance requests are based on preservation of the existing heritage resource home. The heritage resource home was determined to be not a significant historic resource after a professional historic assessment was performed on the subject home. The impacts of the addition have been categorized by staff as being typical concerns for a second story addition for any type of home in the city and that there are no outstanding or unique considerations for the heritage resource home due its lack of being a significant historic resource. The design integration with the existing home and the older one story neighborhood have been addressed by the applicant and is supported by staff.

The front yard setback variance is based on the fact that the existing home already has a nonconforming front yard setback and is necessary to successfully integrate the addition and have a usable floor plan. A proportionate setback to the ground floor was desired rather than implementing the standard 25-foot setback. The findings for this variance have been supported by staff.

The solar shading variance for the adjacent property is based on the fact that by preserving the existing home the options for placement of the one-car garage with a floor plan for the seconds story addition that provided usable space predetermined the addition should be on the north side of the home. However, the abutting lot to the north has a nonconforming structure in the rear yard at a zero lot line setback making it impossible not to shade more than 10% of a structure. The abutting property owner has indicated no difficulties with the proposed level of shading as he has no intent to install solar panels on the utility structure in the rear yard. Staff has also been able to support the variance findings for the solar shading.

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Permit . Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.


Alternatives

1. Approve both Variances and Design Review with modifications as recommended by staff.
2. Approve the both Variances and Design Review with other modifications than recommended by staff.
3. Deny the Variances and Design Review.

Recommendation

Recommend Alternative 1

Prepared by:


Kelly Diekmann
Project Planner

Reviewed by:


Gerri Caruso
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Historical Assessment (on file)
- E. Justification by Applicant
- F. Letters from Other Interested Parties

Recommended Findings – Design Review

The proposed project is desirable in that the project's design and architecture conforms with the policies and principles of the Single Family Home Design Techniques.

Basic Design Principle	Comments
<i>2.2.1 Reinforce prevailing neighborhood home orientation and entry patterns</i>	Applicant has maintained a modest front entry and a one car wide driveway. The garage is moved closer to the street but is consistent in design by being set behind the front of the home.
<i>2.2.2 Respect the scale, bulk and character of homes in the adjacent neighborhood.</i>	Applicant has an approximate 35% second floor addition, has set the second story addition to the north side, minimized overall height, and includes a high level of detailing for the front façade. The garage placement and bulk is placed on the north side consistent with the relative degree of minimal setbacks from the street and location of garages near the street as compared to home to the south.
<i>2.2.3 Design homes to respect their immediate neighbors</i>	The architectural style for the front facade is complimentary, the rear portion of the addition is a contemporary design to help identify the different time periods of the home's style. The variance request for solar access does impact the northern property and a second level deck is proposed that may impact privacy, but overall is project meets the intent of the guideline.
<i>2.2.4 Minimize the visual impacts of parking.</i>	The one car garage is placed behind the front of the home.
<i>2.2.5 Respect the predominant materials and character of front yard landscaping.</i>	Landscaping is not impacted by the proposed project.
<i>2.2.6 Use high quality materials and craftsmanship</i>	The front façade includes high levels of detailing similar to craftsman and

	bungalow style homes that wraps around to the north façade. The rear addition design is primarily stucco with a more modern design intent. Staff recommends additional detailing for the rear addition as a condition of approval.
2.2.7 Preserve mature landscaping	Landscaping is not impacted by the proposed project.

Recommended Findings - Variance

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district.

Preservation of the existing heritage resource is an exceptional circumstance attributable to the property and use of the proposed project that does support the requested front yard second-story setback reduction. Without the reduction the owner would be deprived of the privilege of adding floor area and updating the home in a manner consistent with the character of the existing home and without constructing additional floor area in the rear of the home which would eliminate desirable usable rear yard open space for a single family home.

In relation to the maximum of 10% solar shading of an adjacent structure standard, the extraordinary circumstance of the surrounding property abutting the subject site to the north of having a rear yard with 100% coverage by structures and having multiple structures on the site has deprived the applicant of the ability to add additional floor area and update the home that other property owners would enjoy if the adjacent property's improvements were not nonconforming to such a degree.

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district.

The front yard setback variance will not be detrimental to surroundings as it provides for a high quality and consistent architectural character for the proposed addition.

The solar shading variance is not detrimental due to the fact the neighboring site is a nonconforming utility building that would not normally be used for solar panel placement, in addition the site has other building roof areas allowing for solar panel installation, and the property has indicated no desire to install solar panels.

3. Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district.

The intent of the front yard setback is to mitigate height and design features of second floor, the applicant has addressed this issue by proportionately stepping back the second story a minimum of six feet from the front wall where the standard asks for a minimum of five feet. Additionally, a high level of relief is provided by the design due to varying planes for the existing home and the addition (covered entry, existing facade, garage location, second floor facade). Special privileges are not being enjoyed by the homeowner as he has an exceptional circumstance of preserving a heritage resource and he has met the intent of the ordinance of providing relief to the second story design.

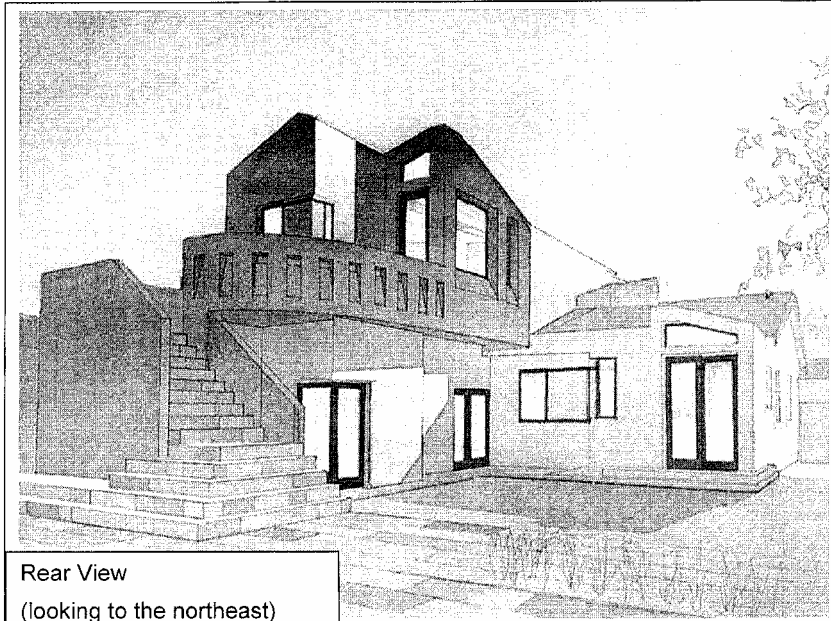
The intent of the solar shading restriction is to allow for the installation of solar panels on a rooftop to serve a home's energy needs. The applicant is shading a nonconforming utility structure on a lot that is perpendicular to the subject site. Although the utility structure is completely shaded, the site allows for placement of solar panels in an alternative location to meet the intent of the provision. No special privilege is granted due to the fact no other surrounding property has the subject site's limits of preserving a heritage resource, abutting a perpendicular rather than parallel lot configuration, and the high degree of nonconformity on the abutting site.

Recommended Conditions of Approval – Design Review

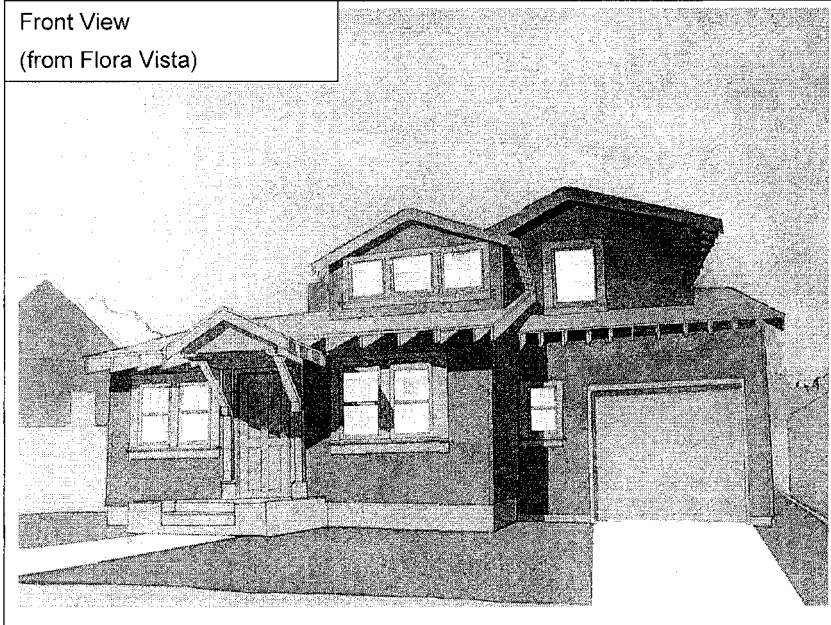
In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

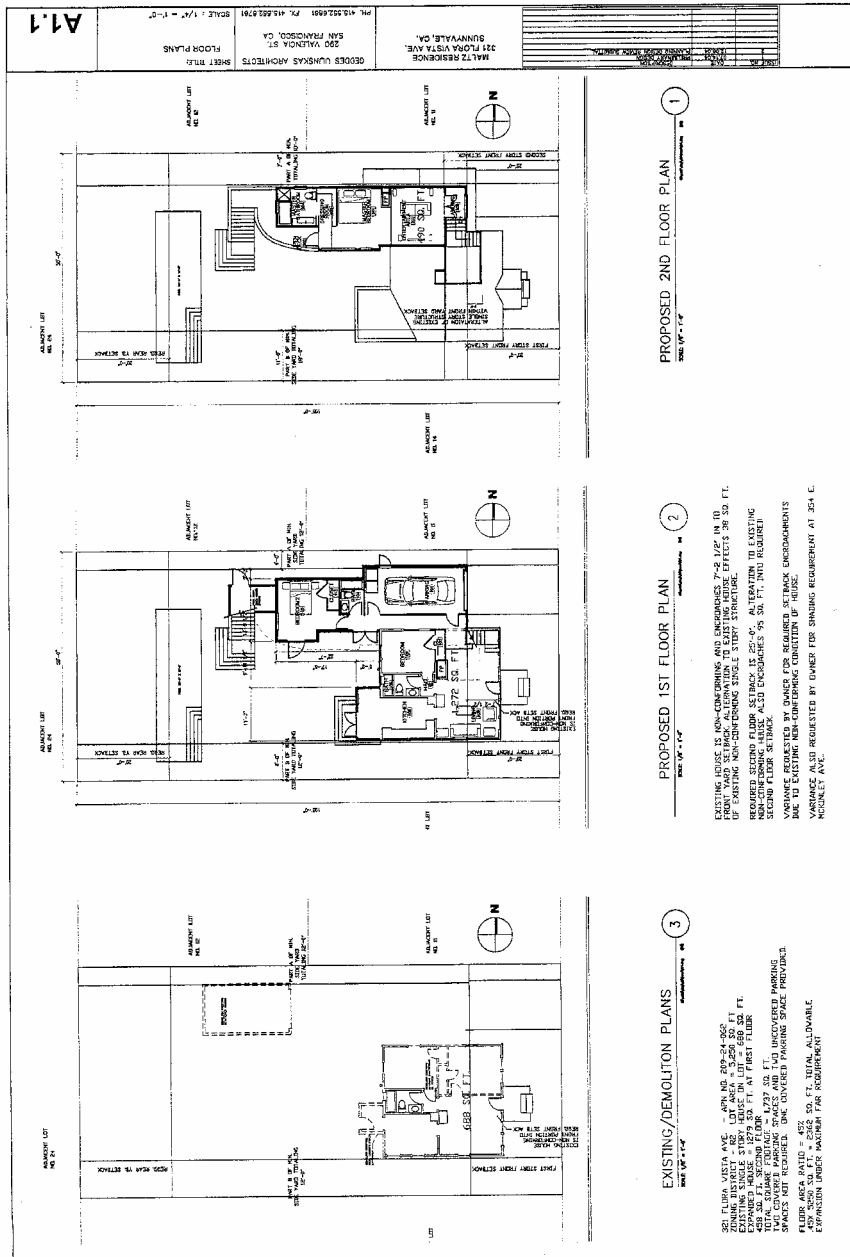
1. The one-year expiration date of the Design Review and two-year expiration of the Variances shall be measured from the date of the approval by the final review authority at a public hearing if the approval is not exercised.
2. This project must be in substantial conformance with the approved plans and conditions. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved at the staff level by the Director of Community Development.
3. The front façade shall be consistent in finishes and details of the submitted plan and the rear addition gable shall show these features on the final design.
4. The roof material shall be a minimum of dimensional composition with a 50-year warranty.
5. Prior to issuance of building permits provide a modified south and rear elevation for the deck design that addresses the issues of bulk and apparent height along with detailing and material choices. The final design is to be approved by the Director of Community Development.
6. Prior to issuance of building permit provide final color samples and roof material sample for approval by the Director of Community Development.
7. Obtain Building Permits.
8. All service drops shall be placed underground.

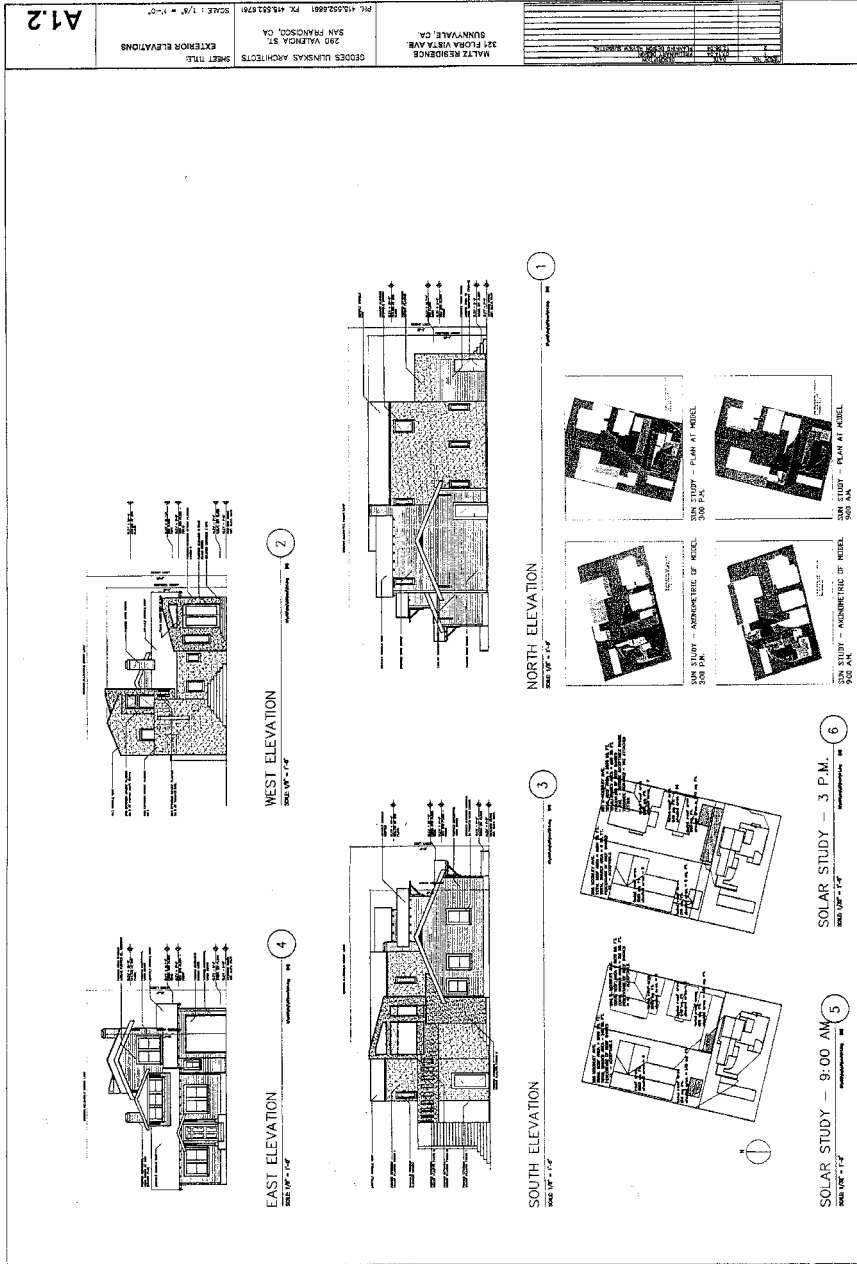


Rear View
(looking to the northeast)



Front View
(from Flora Vista)





Attachment D

Historical Assessment
(On file at the Planning Department)

Maltz, Greg

Dear Planning Commission,

During my correspondence with Kelly Diekmann, he voiced some of Staff's concerns over my project. He recommended I articulate my reply in a letter to Planning and submit it with my proposal. This should help provide justification for the project and answer any lingering questions.

Height and Housing Stock

Regarding Staff's concerns about height and the existing housing stock, please keep in mind that there are more than 50 two-story houses (addresses itemized below) within three blocks of 321 Flora Vista Ave, and many within one block. The majority of these structures are voluminous, obtrusive and fully visible from streets and sidewalks compared to my proposed addition. Of particular note is one of my backyard neighbors with two highly visible two-story houses built on one lot at 356 Carroll--both of which are taller than the structure I am proposing. Also at the corner of Carroll and Iowa, a two-story addition is currently being built with a minimal setback from the sidewalk. And just around the corner from me on E. McKinley is a row of immense two-story duplexes and single family homes including 397, 355, 347, 345, 337, 335, 329, 327, 321 and 319 E. McKinley.

The following itemizes some of the two-story structures in my neighborhood, many of which are enormous, bulky and obtrusive.

Bayview: 255-275 (entire complex), 270, 252, 315, 325, 431, 433, 520
Bryan: 423, 433, 442, 468/472, 490, 498
Carroll: Pacific Bell Bldg, 356, 354, 363, new addition at Carroll and Iowa
Central: 312, 345
Iowa: entire complex at 359
E. McKinley: 298 (De Anza Bldg), 319, 321, 327, 329, 335, 337, 345, 347, 355, 397, 423, 445, 449, 453, 457, 473, 479, 499
Olive: 135, 155, 225, 348
Saturn Terrace: entire townhome complex (12 units)
Sunnyvale: 334, entire complex at 390

I encourage staff to walk around my neighborhood to see these structures. I think you will agree that my proposal is comparably modest. The height is well under the limit and the setback is significant considering the existing structures. The east-west layout of the addition and its position in relation to the street and neighboring structures will make it unobtrusive and not highly visible. My proposal is in keeping with the craftsman style, when viewed from the East.

In addition to the structures at the above addresses, the area around my neighborhood has many large modern structures, including the Mozart buildings and the proposed open-air mall which is planned two blocks from my house. Given these changes and the number of two-story houses in my neighborhood--two of the tallest of which are visible from my back yard--I do not believe concerns about height and existing housing stock should prohibit my plans. I have taken great care that my proposal makes the bulk of my second story invisible from the street.

Solar Variance

Regarding Staff's concerns about the solar study, the neighbor's low-lying, existing-nonconforming garage is the sole reason I needed to file a variance. I encourage staff to visit the site and take a look. The neighboring lot with the garage has multiple structures that may be decent choices for solar panels. The garage is not one of those structures. The roof is abnormally low, and the garage is built to the edge of the lot, creating an unusual circumstance. I think you will agree, as the owner of the neighboring lot says in his signed letter included in the proposal, that staff should not consider this

garage when evaluating data from the solar study. And of course, if one factors out this garage from the results of the solar study, I am well within the city's guidelines.

Kelly suggested submitting an explanation to support the fact that my choice of second story location is limited and that alternates would have a similar impact to the location that I have chosen. In fact, I originally intended to have the entire second story further to the west, away from the garage that is impacted in the solar study. Unfortunately, Sunnyvale's guidelines for additions are very stringent for houses with a one-car garage, and there was no way to move the second story to the West without stretching the total square footage in excess of the 1800 sq ft limit.

There is also no way to move the second story to the south, away from the neighbor's garage without significantly impacting both my existing structure and existing yard, both of which I am attempting to preserve as much as possible. Nor is there a way to add a two-car garage and also preserve the yard and existing structure. So I did have options that would not result in shading the existing-nonconforming low-lying garage that will never be used to support solar panels, but those options were not tenable. Therefore, I filed a variance for shading an existing-nonconforming low-lying garage that would never be used to support solar panels. I hope Staff agrees this was the correct choice, rather than rethink or shelve my entire proposal.

Proximity of Proposed Garage to Street

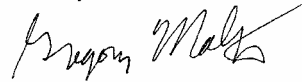
Again, I must urge Staff to visit the site at Flora Vista and see the neighbor's existing-nonconforming garage built to the edge of the lot and to the sidewalk with no significant setback. Set between this structure and my own existing-nonconforming structure, my proposed garage would not only appear set farther back from the street than neighboring structures, but would also be invisible unless viewing my proposed house directly from the East. Cars proceeding on Flora Vista would not even see it, as it would be shielded by the neighbor's garage to the north and my existing structure to the south.

Thank you for taking the time to read my justification for the project. I hope I have effectively explained that the proposal is a carefully balanced plan to:

- respect my existing structure as a heritage resource
- maximize yard space and privacy
- comply fully with setback, height and square footage limits
- create a balanced architectural scheme with one foot in the past and one in the future of this dynamic neighborhood

I have lived in the existing house now for two years. My house and the neighboring houses on the heritage resource list make an inviting view on Flora Vista, with our similar protruding gables and craftsman-style architecture. I would not want to disrupt that view and that craftsman feel at the front of the house. My architect and I have worked for about one year, kicking ideas back and forth and settling on what we believe is the best possible proposal. As Planning reviews this proposal, I hope you keep in mind the way the neighborhood is changing, the condition and size of the older homes such as mine, and the future of Flora Vista Ave. Most cities would be delighted if a homeowner such as myself proposed to sink the resources it will take to bring my tiny old home into the 21st century, and to stay in the neighborhood rather than move elsewhere.

Sincerely,



Greg Maltz

VARIANCE JUSTIFICATIONS

Justifications must be submitted by the applicant with all Variance applications. Use this sheet or a separate sheet of paper to complete all of the three statements below.

In granting a Variance, all of the following justifications must be made by the Planning Commission or the Administrative Hearing Officer:

19.84.050. Findings.

(a) A Variance from the requirements of this title, except for the height of a ground sign, shall be approved only upon a showing by the applicant that:

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner of privileges enjoyed by other properties in the vicinity and within the same zoning district.

EXISTING HOUSE IS NON-CONFORMING AND ENCLOSED INTO
REQUIRED SINGLE STORY FRONT YARD 20'-0" SET BACK. THE
ONLY WAY TO PROPERLY LINK THE EXISTING HOUSE TO
THE NEW ADDITION REQUIRES 95 SQ. FT OF NEW CONSTRUCTION INTO
2ND STORY SETBACK, ADJACENT GARAGE STRUCTURE @ 354 E,
MCKINLEY AVE IS NON-CONFORMING. BUILT ON LOT LINE, THIS
PREVENTS ANY POSSIBILITY OF MEETING SUN SHADING REQUIREMENTS.

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district.

ATTACHED TO THIS APPLICATION IS A LETTER DRAFTED BY
THE PROPERTY OWNER @ 354 MCKINLEY AVE, THIS OWNER
IS THE PROPERTY MOST EFFECTED BY THE VARIANCE & HAS
DRAFTED THE ATTACHED LETTER IN SUPPORT OF THE PROJECT.

3. Upon granting of the Variance the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district.

BECAUSE OF THE CONSTRAINTS PRESENTED BY THE EXISTING
NON-CONFORMING HOUSE ON THE SITE & THE NON-CONFORMING
STRUCTURE ON THE ADJACENT LOT - THE VARIANCE WILL NOT
CREATE AN EASIER CONDITION FOR THE OWNER'S DESIGN. FIRST
WITH THE REQUESTED VARIANCE, MANY COMPROMISES ARE
REQUIRED TO ACHIEVE THE PROJECT'S CURRENT LEVEL OF
CONFORMANCE.

If you need assistance in answering any of these justifications, contact the Planning Division staff at the One Stop Permit Center.

ATTACHMENT F

Page 1 of 1

Peter Browne
555 Bryant St.
Palo Alto, CA 94301
Ph: 650 325 7112

November 5, 2004

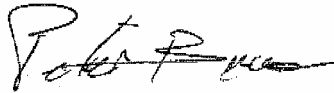
Sunnyvale Planning Commission
456 W. Olive Ave.
Sunnyvale, CA 94086

Sunnyvale Planning Commission:

I am the property owner of 354 E. McKinley Ave. I am writing to encourage you to look favorably on the solar studies provided by Mr. Maltz regarding the proposed addition to his home at 321 Flora Vista Ave. I understand that during some hours of the winter months, Mr. Maltz's proposed structure will cast a shadow over my garage roof. After reviewing Mr. Maltz's plans and the solar study provided by his architect, I have concluded that this shading is fully acceptable to me. I believe it is unreasonable and unjust to ask Mr. Maltz to comply with new shading rules for my older structure. Therefore, I have given Mr. Maltz permission to disregard my garage structure in his shading studies, and I encourage the Planning Commission to honor this request.

I am favorable to Mr. Maltz's plans to add more value and modernity to the neighborhood and to invest in improving his house next door.

Sincerely,



Peter Browne,
Property Owner, 354 E. McKinley Ave.